

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
ST. MARY RIVER
BASIN 40T
IMPORTANT NOTICE**

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY ORDER OF THE MONTANA WATER COURT AFTER ISSUANCE OF THE PREVIOUS DECREE.

Water Right Number: 40T 40958-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: USA (DEPT OF INTERIOR BUREAU OF RECLAMATION)
MILK RIVER
PO BOX 30137
BILLINGS, MT 59107 0137

Priority Date: MAY 29, 1912

Type of Historical Right: FILED

Purpose (use): UNKNOWN

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

Volume: 67,604.00 AC-FT

Source Name: SWIFTCURRENT CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SE	SE	SE	36N	15W	GLACIER

Period of Diversion:

Diversion Means: DAM

Reservoir: ONSTREAM **Reservoir Name:** LAKE SHERBURNE

<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
E2	SE	SE	35	36N	15W	GLACIER

Diversion to Reservoir: DIVERSION # 1

Dam Height: 94.00 FEET

Surface Area: 1,601.00 ACRES

Capacity: 67,604.00 ACRE-FEET

SEE THE RESERVOIR WORKSHEET IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
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Remarks:

THE COMPLETE SET OF DOCUMENTATION, MAPS AND OTHER RELATED MATERIALS CAN BE OBTAINED BY REVIEWING FILE NO. 40955-00.

THIS APPROPRIATION OF WATER TAKES WATER FROM THE ST. MARY RIVER DRAINAGE (BASIN 40T) AND USES IT IN THE UPPER MILK RIVER DRAINAGE (BASIN 40F), THE MIDDLE MILK RIVER DRAINAGE (BASIN 40J) AND THE LOWER MILK RIVER DRAINAGE (BASIN 40O). ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.

THE FOLLOWING POTENTIAL ISSUES WERE IDENTIFIED DURING CLAIMS EXAMINATION OR DURING PREVIOUS WATER COURT PROCEEDINGS. THESE ISSUES MAY REMAIN UNRESOLVED IF NO OBJECTIONS ARE FILED DURING THE NEXT OBJECTION PERIOD.

THIS INTERBASIN TRANSFER CLAIM RECEIVED OBJECTIONS IN BASIN 40J. NO ACTION WILL BE TAKEN ON THIS CLAIM UNTIL IT HAS BEEN DECREED IN ALL BASINS YET TO BE DECREED AND IDENTIFIED BY THE INTERBASIN TRANSFER REMARK.

THE PERIOD OF DIVERSION FROM THE SOURCE INTO STORAGE CANNOT BE IDENTIFIED.

THE CLAIMED PLACE OF USE AND LEGAL LAND DESCRIPTION COULD NOT BE IDENTIFIED FROM DATA SUBMITTED WITH THE CLAIM.

THE TYPE OF HISTORICAL RIGHT AND PRIORITY DATE ARE IN QUESTION. THE FILED NOTICE DOES NOT INDICATE RESERVOIR STORAGE. THE ACTUAL CONSTRUCTION OF SHERBURNE RESERVOIR BEGAN IN 1914. DATE OF FIRST STORAGE BEGAN IN 1919.

THE PURPOSE OF THIS CLAIM IS UNCLEAR AS MULTIPLE PURPOSES HAVE BEEN CLAIMED. THE CLAIMED PURPOSES INCLUDE MUNICIPAL, STOCKWATER, COMMERCIAL, FISH & WILDLIFE AND OTHER BENEFICIAL PURPOSES . MORE THAN ONE WATER RIGHT MAY BE INVOLVED.

DNRC EXAMINATION WAS UNABLE TO CONFIRM THE USE OF THIS WATER RIGHT. IT APPEARS THIS WATER RIGHT MAY HAVE NOT BEEN PERFECTED.